

**Peter Katt**

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**From:** Ray, Meesha <meesha.legg@dnr.iowa.gov>  
**Sent:** Wednesday, November 29, 2023 3:10 PM  
**To:** Peter Katt  
**Cc:** Manz, Alison; Asia Azam; Jessica Montana; Garton, Jonathan  
**Subject:** Bartlett Shores  
**Attachments:** 2023-1504\_PeterKatt.pdf

Good Afternoon Peter,

I have the Floodplain Department's response to the inspection/meeting that we had on October 19th. There was some formatting that may have been a mess in an email so I've attached it here. At the meeting, we'd discussed the benefits of having the individual lot owners being allowed to work with the DNR for each permit/violation versus having the single entity of Wetter Water LLC do this. The letter goes into more detail, but in summary, we've decided that Wetter Water would need to take on the role of enforcer through its covenant and HOA.

We can go into more detail about the exact details of how each lot can come into compliance. However, this detail would need to be worked out first since items like the sheds would depend on the outcome. This letter will also go to Kat Betts (listed in the cc) so it can be discussed with the HOA.

Thank you,  
Meesha Legg



**Meesha Legg | Environmental Engineer**  
Flood Plain and Dam Safety Section  
***Iowa Department of Natural Resources***  
**P: 515-393-1891**  
502 E. 9th Street, Des Moines, IA 50319

[iowadnr.gov](http://iowadnr.gov)





11/29/2023

PETER KATT  
WETTER WATER LLC  
1915 S. 38<sup>TH</sup> AVE  
OMAHA, NE 68105

SUBJECT: Bartlett Shores RV Park, Obstruction in a Floodway, Fremont County, 40.8905/ -95.8077. (Missouri River)

Dear Peter Katt:

Thank you for meeting with us on October 19<sup>th</sup> to discuss the campground's compliance issues. During the meeting, Iowa DNR staff had the chance to review the steps that Wetter Water LLC and Individual landowners had taken in response to June 20<sup>th</sup>, 2023 Notice of Violation issued by Alison Manz of the Iowa DNR. Specifically, that letter had stated that proof of compliance would be demonstrated by submitting:

- Verification that all permanent structures including the storage sheds and decks attached to the RVs, permanent awnings, fences, and gazebos have been removed (i.e. essentially any structure that cannot be easily removed during a flood event);
- Verification that any loose-items on-site, including but not limited to outdoor/lawn furniture, grills, portable propane tanks, firewood, fire pits, etc., will be removed at the time of flooding;
- Documentation that all RVs are licensed and highway-ready;
- Documentation that all electric panels and electric circuit breakers are 100-year flood protected;
- Documentation that the RVs have quick connection to utilities;
- Emergency Operation and Evacuation plan.

As stated in the Notice of Violation, no permanent construction is allowed in the floodway (all areas of the campground west of the levee), this means that all materials on the sites must be easily removeable within a day of notice, this includes landscaping walls that were not constructed against excavated soil (walls around fire pits). The original rules of the Notice of Violation were written such that items that were not easily moveable, such as firepits of reasonable size or lawn furniture, had to be removed and could not be onsite at any time. Prior to the meeting, it was discussed whether larger, more difficult to remove items such as storage sheds, gazebos, or awnings could remain until the flood warning stage. The residents proposed that these items could then be removed at the flood warning stage according to the individual lot owners' submitted emergency operation and evacuation plan.

After the inspection we have had internal discussion and additional research into the history of the site. Our records indicate that construction of the original campground began in 2006 without a permit. The Department worked with the landowners at the time to work through compliance issues with floodplain, sovereign lands, water, and wastewater programs. The Department issued floodplain permit FP2007-22 at that time (attached). This permit allowed for the following development:

- Construction of the roadway and concrete pads in areas excavated to receive them.
- 12 poles for aerial electrical utilities

- Domestic water hydrants at each site
- Subsurface sewer lines and manholes

In addition, the permit included the condition that:

Recreational vehicles parked at the site must be on the site for fewer than 180 consecutive days and must be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions. In addition, all recreational vehicles parked at the site must be able to be removed from the flood plain within the flood warning time available.

In 2010, the Department inspected the campground post flooding and found numerous unauthorized structures had been constructed and were obstructions of the floodway (the “no-build” area of the flood plain). Most of those unauthorized structures were a total loss and many impacted downstream landowners. The list of unauthorized structures included storage sheds, landscaping around trees, gazebos, decking material, fencing material, and boat docks – in short, any items that were not or could not be removed from the area prior to the flood.

With the history of these compliance issues, the Department is reluctant to allow this campground to operate differently than surrounding campgrounds. All other similarly situated campgrounds have had specifications placed in their covenants that restrict activities to what is allowable within the State of Iowa floodplain administrative rules. Campground owners have staff on call and provide documentation that they are taking responsibility for removal of these large items during the short flood time warning. Without such assurances within the campground’s covenant, the Department would need to strictly adhere to the conditions of the Department’s letter on June 20, 2023 in order to achieve compliance with the State of Iowa floodplain administrative rules.

Strictly following the conditions of the letter would mean that nothing could remain on site that is not an RV, trailer, small furniture or items that will not create a rise to flood stages (i.e. pergolas with no side and no roofs or else with roofs above the base flood elevation). Despite the submitted evacuation plans, the Department has no assurance that each lot owner will be available at the time of the flood and will have the equipment available at the time of the flood to move sheds and decks and other large items that require special equipment (loader and trailer/truck). However, the Department would be amenable to allowing some of the requested items, such as sheds, if the Homeowners Association of Wetter Water LLC agreed to act as a secondary enforcing agent. In lieu of an agreement by the association, our requirements of June 20 remain in place.

In addition, there are certain items that cannot stay regardless of whether Wetter Water or individual landowners are in charge of evacuation. These items were addressed in the June 20<sup>th</sup> Notice. Examples would include, but not be limited to, the rubble on each site unless being used for a current project, swimming pools (this does not include the cow tank used for tanking), fencing, and tree landscaping. The DNR recognizes that a lot of the tree landscaping is present to protect roots. However, any oversized stone wells around the trees that are filled with dirt will need to be resized so that they are only large enough to sufficiently protect exposed roots and no more. Any future landscaping for tree protection would need a permit.

We look forward to continuing to work with you to achieve compliance.

Please contact me by phone at 515-393-1891 or by email at [Meesha.Legg@dnr.iowa.gov](mailto:Meesha.Legg@dnr.iowa.gov) with any questions.

Sincerely,

Meesha Legg

Digitally signed by  
Meesha Legg  
Date: 2023.11.29  
14:19:23 -06'00'

Meesha Legg

Iowa DNR, Flood Plain Management and Dam Safety Section

CC: Kathy Betts; Wetter Water LLC HOA, [kat@bettsrealestatene.com](mailto:kat@bettsrealestatene.com)

Annie Hartman



## STATE OF IOWA

CHESTER J. CULVER, GOVERNOR  
PATTY JUDGE, LT. GOVERNOR

DEPARTMENT OF NATURAL RESOURCES  
RICHARD A. LEOPOLD, DIRECTOR

February 19, 2007

Faron McFarland  
317 Sixth Street  
Brookings, SD 57006

RE: Proposed Recreational Vehicle Seasonal Parking Facility (Missouri River)  
SE¼, Section 5, T70N, R43W; Fremont County, Iowa

Dear Mr. McFarland:

Your application for a Flood Plain Development Permit for the above project has been approved. Enclosed is Flood Plain Development Permit Number FP 2007-22 and an approved copy of the plan sheets and hydraulic characteristics statement. The permit is issued subject to various conditions, which you should review carefully. Please pay particular attention to Conditions 7 and 8, which describe the requirements for spoil disposal and for parking of the recreational vehicles, respectively. If you don't agree with any of these conditions, you have 30 days from the date of mailing of the permit to appeal. If you wish to appeal, it is suggested that you contact our Legal Services Section within 15 days to determine the correct procedure and format. Also, you should be aware of the fact that any person can appeal the issuance of this permit within the same 30-day period.

Also enclosed is a DNR Form 37, Notification of Completion of Construction. The Form 37 must be completed and returned within 30 days of the completion of construction.

The project also requires a local flood plain development permit from Fremont County. We have reviewed the submitted plans and documents and have no objection to the granting of a permit by the County. If you have not yet done so, please contact the Fremont County Flood Plain Manager (Daniel Davis at 712-374-2613) regarding the local flood plain permit.

The owner is responsible for complying with all other statutes applicable to the construction, operation and maintenance of the approved works. The project may require a Section 404 Permit from the U.S. Army Corps of Engineers. Please note that this project may also require a Sovereign Land Construction Permit from this department. Please contact Keith Dohrmann at 515-281-8967 regarding a Sovereign Land Construction Permit.

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Thank you for your patience and cooperation. If you have any questions, please contact me at 515-281-4312.

Sincerely,



Kelly M. Stone, P.E.  
Environmental Engineer Senior  
Water Resources Section

Enclosures

- Copies:
- IDNR FO #4
  - U.S. Army Engineer District; Omaha Corps of Engineers; P.O. Box 5; Omaha, NE 68102
  - Mr. Daniel Davis, Fremont County Engineer; 2004 Maple Street; Sidney, IA 51652
  - Ms. Pamela Graham; U.S. Army Corps of Engineers, OD-E; 12565 West Center Road; Omaha, NE 68144